

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
FRANK GARCIA,
Defendant.

Case No. 10-cr-00301-BLF-1

**ORDER DENYING MOTION FOR
MODIFICATION OF SENTENCE**


[RE: ECF 327]

On February 9, 2015, Defendant Frank Garcia ("Garcia"), acting *pro se*, filed a letter request seeking a reduction of his sentence pursuant to United States Sentencing Guideline Amendment 782. Letter Request, ECF 327. On March 19, 2015, the Federal Public Defender filed a Notice of Non-Intervention. Notice, ECF 333. On June 1, 2015, the United States Probation Office filed a Sentence Reduction Investigation Report stating that Garcia is not eligible for a reduction in sentence because his original sentence was the statutory mandatory minimum and his guideline range was not lowered by Amendment 782. Report, ECF 341. The Sentence Reduction Investigation Report represents that the Government agrees that Garcia is not entitled to a reduction. *Id.*

Having reviewed Garcia's motion, the Sentence Reduction Investigation Report, and the record in this case, the Court concludes that Garcia is not eligible for a reduction in sentence. Accordingly, his motion is DENIED.

IT IS SO ORDERED.

Dated: June 4, 2015



BETH LABSON FREEMAN
United States District Judge